

AMENDED IN SENATE AUGUST 17, 2009

AMENDED IN SENATE JULY 14, 2009

AMENDED IN SENATE JULY 1, 2009

AMENDED IN SENATE JUNE 17, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1052

Introduced by Assembly Member Caballero

February 27, 2009

An act to amend Section 7360 of, to amend, renumber, and add Section 7362 of, to add Section 7364 to, and to repeal Section 7363 of, the Fish and Game Code, relating to sport fishing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1052, as amended, Caballero. Bay-Delta Sport Fishing Enhancement Stamp.

Existing law prohibits a person from sport fishing in the tidal waters of the San Francisco Bay Delta and the main stem of the Sacramento and San Joaquin Rivers, including major tributaries, below the most downstream dam, unless he or she first obtains a Bay-Delta Sport Fishing Enhancement Stamp or validation and affixes that stamp or validation to a valid sport fishing license. Existing law requires the Department of Fish and Game or an authorized license agent to issue a Bay-Delta Sport Fishing Enhancement Stamp or validation upon payment of a prescribed fee. Existing law requires the funds generated by the imposition of these fees to be deposited in a separate account in the Fish and Game Preservation Fund, to be used solely for the long-term, sustainable benefit of the primary Bay-Delta sport fisheries,

as specified. Existing law requires the director to appoint a 9 member Bay-Delta Sport Fishing Enhancement Stamp Fund Advisory Committee to recommend to the department projects and budgets for the expenditure of fee revenue. Those provisions are repealed as of January 1, 2010.

This bill would delete that repeal, and, instead, make the stamp or validation requirement inoperative as of January 1, ~~2012~~ 2013. *Under the bill the stamp or validation would not be required from January 1, 2010, to January 1, 2012, inclusive.* The bill would require the department to implement various provisions related to expenditures from the account. The bill would require the department, in consultation with the advisory committee, to develop a grant program, as prescribed. The department would be required to post on its Internet Web site projects undertaken with funds from the account.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7360 of the Fish and Game Code is
2 amended to read:

3 7360. (a) A person shall not sport fish in the tidal waters of
4 the San Francisco Bay Delta and the main stem of the Sacramento
5 and San Joaquin Rivers, including major tributaries, below the
6 most downstream dam, unless he or she first obtains, in addition
7 to a valid California sport fishing license and any applicable stamp
8 or validation issued pursuant to Section 7149 or 7149.05, a
9 Bay-Delta Sport Fishing Enhancement Stamp or validation and
10 affixes that stamp or validation to his or her valid California sport
11 fishing license. Any person issued a sport fishing license pursuant
12 to paragraph (4) or (5) of subdivision (a) of Section 7149 or
13 paragraph (4) or (5) of subdivision (a) of Section 7149.05 is not
14 subject to this division.

15 (b) The commission may modify, by regulation, the geographic
16 parameters specified in subdivision (a).

17 (c) The department or an authorized license agent shall issue a
18 Bay-Delta Sport Fishing Enhancement Stamp or validation upon
19 payment of a base fee of five dollars (\$5), in the 2004 license year,
20 which shall be adjusted annually thereafter pursuant to Section
21 713, *except that, notwithstanding subdivision (a), the Bay-Delta*
22 *Sport Fishing Enhancement Stamp or validation shall not be*

1 *required and the fee shall not be charged from January 1, 2010,*
2 *to January 1, 2012, inclusive.*

3 (d) This section is inoperative on and after January 1, ~~2012~~
4 ~~2013~~.

5 SEC. 2. Section 7362 of the Fish and Game Code, as amended
6 by Section 1 of Chapter 637 of the Statutes of 2008, is amended
7 and renumbered to read:

8 7363. (a) The director shall appoint a Bay-Delta Sport Fishing
9 Enhancement Stamp Fund Advisory Committee, consisting of nine
10 members. The committee members shall be selected from names
11 of persons submitted by anglers and associations representing
12 Bay-Delta anglers of this state and shall serve at the discretion of
13 the director for terms of not more than four years. The director
14 shall appoint persons to the committee who possess experience in
15 subjects with specific value to the committee and shall attempt to
16 balance the perspective of different anglers.

17 (b) The advisory committee shall recommend to the department
18 projects and budgets for the expenditure of revenue received
19 pursuant to Section 7360. The department shall give full
20 consideration to the committee's recommendations.

21 (c) The department shall submit to the advisory committee and
22 the Chief Clerk of the Assembly and the Secretary of the Senate
23 for distribution to the appropriate fiscal and policy committees of
24 the Legislature, at least annually, on or before January 10 of each
25 year, an accounting of funds derived from the Bay-Delta Sport
26 Fishing Enhancement Stamps and validations, including the number
27 of stamps and validations sold, funds generated and expended, and
28 administrative expenditures, and the status of programs funded
29 pursuant to this article. In addition, the department shall report, at
30 least annually, to the committee on the status of projects undertaken
31 with funds from that stamp or validation, including reporting the
32 department's reasoning in cases where committee recommendations
33 are not followed.

34 (d) The department shall post on its Internet Web site projects
35 undertaken with funds from the account established in Section
36 7361. At a minimum, the Internet Web site shall list the project
37 title, applicant, a brief description of the project, the amount
38 approved, and the project's status.

39 SEC. 3. Section 7362 is added to the Fish and Game Code, to
40 read:

1 7362. (a) The department, in consultation with the advisory
2 committee created pursuant to Section 7363, shall develop a grant
3 program to support activities consistent with Section 7361.

4 (b) The department, in consultation with the advisory committee,
5 shall develop priority areas for funding under the grant program.
6 The department shall give the advisory committee an opportunity
7 to review any draft public solicitation notice before that notice is
8 finalized and released to the public.

9 (c) The advisory committee shall assist the department in
10 providing outreach to encourage wide participation in the grant
11 program.

12 (d) The department shall provide the advisory committee a copy
13 of all grant applications. The advisory committee shall have a
14 minimum of 30 days to review projects and provide
15 recommendations to the department.

16 SEC. 4. Section 7363 of the Fish and Game Code is repealed.

17 SEC. 5. Section 7364 is added to the Fish and Game Code, to
18 read:

19 7364. (a) The department shall do all of the following:

20 (1) In consultation with the advisory committee, develop a
21 spending plan that focuses on identifying and funding viable
22 projects and monitoring revenues to assist the department in
23 effectively expending available stamp revenues in a manner
24 consistent with the purposes described in Section 7361. The
25 spending plan shall be completed by January 31, 2010. Upon
26 completion, a copy of the spending plan shall be provided to the
27 Legislature.

28 (2) Track and report the costs of projects funded pursuant to
29 this article by doing both of the following:

30 (A) Improve the tracking of individual project expenditures by
31 assigning a separate account to each project within the department's
32 accounting system.

33 (B) Require a project manager to approve all expenditures
34 directly related to the manager's projects, periodically reconcile
35 records for each project with accounting records, and report
36 expenditures to staff responsible for preparing advisory committee
37 reports.

38 (3) Reimburse the department's general fund appropriation for
39 any lease payment charged to the department's general fund

1 appropriation on or before January 1, 2010, that was eligible to be
2 paid from the account established in Section 7361.

3 (4) Ensure that employees of the department appropriately
4 charge their time to projects funded pursuant to this article by
5 providing guidelines to employees concerning when to charge
6 activities to the account established in Section 7361.

7 (b) The department shall not charge payroll costs to the account
8 established in Section 7361 for employee activities that are not
9 related to the implementation of this article. The department shall
10 determine whether any other expenditure has been inappropriately
11 charged to the account established in Section 7361 and shall make
12 all necessary accounting adjustments.